

**LICENSING AND REGULATION OF HEALTH-RELATED
OCCUPATIONS TRANSFERRED TO THE TEXAS
DEPARTMENT OF LICENSING AND REGULATION**

CHAPTER 1105

H.B. No. 4007

AN ACT

relating to the licensing and regulation of health-related occupations transferred to the Texas Department of Licensing and Regulation.

Be it enacted by the Legislature of the State of Texas:

ARTICLE 1. MIDWIFERY

SECTION 1.001. Section 203.157(c), Occupations Code, is amended to read as follows:

(c) The department shall *post a list of licensed midwives on the department's Internet website* ~~[provide each county clerk and each local registrar of births in a county with the name of each midwife practicing in the county]~~.

SECTION 1.002. Section 203.353, Occupations Code, is amended to read as follows:

Sec. 203.353. PREVENTION OF OPHTHALMIA NEONATORUM. (a) *Subject to Subsection (b), unless* ~~[Unless]~~ the newborn child is immediately transferred to a hospital because of an emergency, a midwife who attends the birth of the child shall comply with Section 81.091, Health and Safety Code.

(b) *A midwife in attendance at childbirth who is unable to apply prophylaxis as required by Section 81.091, Health and Safety Code, due to the objection of the parent, managing conservator, or guardian of the newborn child does not commit an offense under that section and is not subject to any criminal, civil, or administrative liability or any professional disciplinary action for failure to administer the prophylaxis. The midwife in attendance at childbirth shall ensure that the objection of the parent, managing conservator, or guardian is entered into the medical record of the child.*

SECTION 1.003. The heading to Subchapter K, Chapter 203, Occupations Code, is amended to read as follows

SUBCHAPTER K. ~~[OTHER PENALTIES AND]~~ ENFORCEMENT PROVISIONS

SECTION 1.004. The following provisions of the Occupations Code are repealed:

- (1) Section 203.501; and
- (2) Section 203.504.

ARTICLE 2. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

SECTION 2.001. Section 401.102(b), Occupations Code, is amended to read as follows:

(b) Advisory board members must:

(1) ~~[have been a resident of this state for the two years preceding the date of appointment;~~

~~[(2)]~~ be from the various geographic regions of the state; and

(2) ~~[(3)]~~ be from varying employment settings.

SECTION 2.002. Section 401.305(b), Occupations Code, is amended to read as follows:

(b) The department shall administer *or provide for the administration of* an examination at least twice each year.

SECTION 2.003. Section 401.402(b), Occupations Code, is amended to read as follows:

(b) A person licensed as a speech-language pathologist under this chapter may not fit ~~or[,] dispense[, or sell]~~ hearing instruments unless the person meets the specific requirements for fitting and dispensing hearing instruments under this chapter or Chapter 402.

SECTION 2.004. The following provisions of the Occupations Code are repealed:

- (1) Section 401.253;
- (2) Section 401.307;
- (3) Section 401.310;
- (4) Section 401.453;
- (5) Section 401.503; and
- (6) Subchapter L, Chapter 401.

SECTION 2.005. (a) A temporary certificate of registration issued under former Section 401.310, Occupations Code, that is in effect on the effective date of this Act continues to be valid until the certificate expires and former Section 401.310, Occupations Code, is continued in effect for that purpose. Chapter 401, Occupations Code, as amended by this Act, continues to apply to a holder of an unexpired temporary certificate of registration.

(b) On or after the effective date of this Act, the Texas Department of Licensing and Regulation may not renew or extend a temporary certificate of registration.

(c) A proceeding under Chapter 401, Occupations Code, that is pending against a holder of a temporary certificate of registration on the date the certificate expires is terminated on that date.

ARTICLE 3. HEARING INSTRUMENT FITTERS AND DISPENSERS

SECTION 3.001. Section 402.003, Occupations Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) *Except as provided by Subsections (a-1) and (b) and Section 402.451(a), this chapter applies only to a person who engages or offers to engage in fitting and dispensing hearing instruments.*

(a-1) This chapter does not apply to:

(1) a person engaged in the practice of measuring human hearing as a part of the academic curriculum of an accredited institution of higher learning if the person or the person's employees do not sell hearing instruments;

(2) a physician licensed by the Texas Medical Board;

(3) a person with a master's degree or doctorate in audiology from an accredited college or university who does not sell hearing instruments, to the extent the person engages in the measurement of human hearing by the use of an audiometer or by any other means to make selections and adaptations of or recommendations for a hearing instrument and to make impressions for earmolds to be used as part of a hearing instrument;

(4) an audiologist or an audiology intern licensed under Chapter 401, except as may otherwise be provided by the following provisions, which refer to Chapter 401:

(A) Section 402.051(a)(1);

(B) Section 402.202(b);

(C) Section 402.252; and

(D) Section 402.255(a);

~~[(E) Section 402.406(a); and~~

~~[(F) Section 402.451(a)(6);] and~~

(5) a student of audiology in an accredited college or university program, if the student's activities and services are part of the student's supervised course of study or practicum experience.

(b) A student described by Subsection (a-1)(5) ~~[(a)(5)]~~ is subject to Chapter 401.

SECTION 3.002. Section 402.051(a), Occupations Code, is amended to read as follows:

(a) The advisory board consists of nine members appointed by the presiding officer of the commission with the approval of the commission as follows:

(1) six members licensed under this chapter who have been ~~[residents of this state actually]~~ engaged in fitting and dispensing hearing instruments for at least five years preceding appointment, not more than one of whom may be licensed under Chapter 401;

(2) one member who is actively practicing as a physician licensed by the Texas Medical Board and who:

(A) ~~[has been a resident of this state for at least two years preceding appointment;~~

~~[(B)]~~ is a citizen of the United States; and

(B) ~~[(C)]~~ specializes in the practice of otolaryngology; and

(3) two members of the public.

SECTION 3.003. Section 402.209(c), Occupations Code, is amended to read as follows:

(c) An applicant for a license under this section shall provide as part of the application:

(1) written verification that the applicant is licensed in good standing as a fitter and dispenser of hearing instruments in another state ~~[and has held the license for at least three years preceding the date of application];~~

(2) written verification that:

(A) the requirements to obtain a license to fit and dispense hearing instruments in the state in which the applicant is licensed include passing an examination approved by the commission by rule; or

(B) the applicant holds a certification from a professional organization approved by the commission by rule;

(3) a written statement from the licensing entity in the state in which the applicant is licensed that details any disciplinary action taken by the entity against the applicant; and

(4) a statement of the applicant's criminal history acceptable to the department.

SECTION 3.004. Section 402.251, Occupations Code, is amended to read as follows:

Sec. 402.251. TEMPORARY TRAINING PERMIT QUALIFICATIONS. (a) The department shall issue a temporary training permit to a person who:

(1) ~~[has never taken the examination administered under this chapter;~~

~~[(2)]~~ possesses the qualifications required under Section 402.203(a);

(2) ~~[(3)]~~ submits a written application on a form prescribed by the department furnishing documentation that the applicant satisfies the requirements of *Subdivision* ~~[Subdivisions]~~ (1) ~~[and (2)]~~; and

(3) ~~[(4)]~~ pays any required fee.

(b) *The commission by rule may provide for the issuance of* ~~[department may issue]~~ a new temporary training permit under this section ~~[to a person on or after the 365th day] after a~~ ~~[the]~~ person's ~~[previous]~~ temporary training permit ~~expires~~ ~~[expired]~~.

SECTION 3.005. Section 402.255(d), Occupations Code, is amended to read as follows:

(d) The supervisor shall maintain a log of the contact hours by practicum category on a form prescribed by the department. After the temporary training permit holder has completed 150 contact hours, the supervisor and the permit holder shall *submit verification of compliance* ~~[sign the form, and the form shall be notarized and mailed]~~ to the department.

SECTION 3.006. Section 402.304, Occupations Code, is amended to read as follows:

Sec. 402.304. *ALTERNATIVE* ~~[ALTERNATIVES]~~ TO CONTINUING EDUCATION REQUIREMENT. ~~[(a) On written request to the department, a license holder may take the state examination. A license holder who pays the examination fee and passes the examination is exempt from the continuing education requirement for the reporting period in which the test is taken.~~

~~[(b)]~~ A license holder may be credited with continuing education credit hours for a published book or article written by the license holder that contributes to the license holder's professional competence. The department may grant credit hours based on the degree to which the published book or article advances knowledge regarding the fitting and dispensing of hearing instruments. A license holder may claim in a reporting period not more than five credit hours for preparation of a publication.

SECTION 3.007. Section 402.305, Occupations Code, is amended to read as follows:

Sec. 402.305. CONTINUING EDUCATION EXEMPTIONS. The department may renew the license of a license holder who does not comply with the continuing education requirements of Section 402.303 or 402.304 if the license holder:

- (1) was licensed for the first time during the 24 months before the reporting date; or
- (2) ~~[has served in the regular armed forces of the United States during part of the 24 months before the reporting date; or~~

~~[(3)]~~ submits proof from an attending physician that the license holder suffered a serious or disabling illness or physical disability that prevented compliance with the continuing education requirements during the 24 months before the reporting date.

SECTION 3.008. Section 402.451(a), Occupations Code, is amended to read as follows:

(a) A person may not:

- (1) buy, sell, or fraudulently obtain a license or aid another person to do so;
- (2) alter a license with the intent to defraud;
- (3) wilfully make a false statement in an application to the department for a license, a temporary training permit, or the renewal of a license;
- (4) falsely impersonate a license holder; or
- (5) engage in the fitting and dispensing of hearing instruments when the person's license is suspended or revoked [;

~~[(6)] dispense or fit a hearing instrument on a person who has ordered the hearing instrument or device by mail unless the person dispensing or fitting is a license holder under this chapter or under Chapter 401; or~~

~~[(7)] sell a hearing instrument by mail].~~

SECTION 3.009. The heading to Subchapter L, Chapter 402, Occupations Code, is amended to read as follows:

SUBCHAPTER L. ~~[PENALTIES AND OTHER]~~ ENFORCEMENT PROVISIONS

SECTION 3.010. The following provisions of the Occupations Code are repealed:

- (1) Section 402.209(h);
- (2) Section 402.406;
- (3) Section 402.551; and
- (4) Section 402.553.

SECTION 3.011. Section 402.209, Occupations Code, as amended by this Act, applies only to an application submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

ARTICLE 4. DYSLEXIA PRACTITIONERS AND DYSLEXIA THERAPISTS

SECTION 4.001. Section 403.106(c), Occupations Code, is amended to read as follows:

(c) The department~~[- in consultation with the advisory committee,]~~ shall determine whether a training program meets the requirements of this section.

SECTION 4.002. Section 403.107(b), Occupations Code, is amended to read as follows:

(b) The department shall~~[- in consultation with the advisory committee]:~~

(1) identify and designate a competency examination that is related to multisensory structured language education and that will be administered at least twice each year by a professional organization that issues national certifications; and

(2) maintain a record of all examinations for at least two years after the date of examination.

SECTION 4.003. Section 403.108, Occupations Code, is amended to read as follows:

Sec. 403.108. **WAIVER OF EXAMINATION REQUIREMENT.** The department~~[-in consultation with the advisory committee,]~~ may waive the examination requirement and issue a license to an applicant who holds an appropriate certificate or other accreditation from a nationally accredited multisensory structured language education organization recognized by the department.

SECTION 4.004. Section 403.152(b), Occupations Code, is amended to read as follows:

(b) The commission~~[-in consultation with the advisory committee,]~~ shall establish the continuing education requirements *in consultation with the advisory committee* ~~[a manner that allows a license holder to comply without an extended absence from the license holder's county of residence].~~

SECTION 4.005. The following provisions of the Occupations Code are repealed:

- (1) Section 403.204;
- (2) Section 403.207;
- (3) Section 403.212; and
- (4) Subchapter F, Chapter 403.

ARTICLE 5. ATHLETIC TRAINERS

SECTION 5.001. Section 451.156, Occupations Code, is amended to read as follows:

Sec. 451.156. **REQUIREMENTS FOR LICENSE ISSUANCE.** An applicant for an athletic trainer license is entitled to receive the license if the applicant:

- (1) satisfies the requirements of Section 451.153 or 451.154;
- (2) passes the examination required by the department; *and*
- (3) pays the required license fee~~[-and~~

~~[(4) has not committed an act that constitutes grounds for refusal of a license under Section 451.251].~~

SECTION 5.002. The following provisions of the Occupations Code are repealed:

- (1) Section 451.051(c);
- (2) Section 451.101(a-2); and
- (3) Subchapters F, G, and H, Chapter 451.

ARTICLE 6. MASSAGE THERAPY

SECTION 6.001. Section 455.001, Occupations Code, is amended by adding Subdivisions (12) and (13) to read as follows:

(12) "Advisory board" means the Massage Therapy Advisory Board.

(13) "Peace officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure.

SECTION 6.002. Subchapter B, Chapter 455, Occupations Code, is amended by adding Section 455.0511 to read as follows:

Sec. 455.0511. **GENERAL POWERS AND DUTIES.** (a) The executive director shall administer and enforce this chapter.

(b) The department shall:

- (1) investigate a person who may be engaging in or offering to engage in a practice that violates this chapter;

(2) regulate the number of school hours and the content of the coursework provided by a massage school or a massage therapy instructor; and

(3) prepare, recognize, administer, or arrange for the administration of an examination under this chapter.

SECTION 6.003. Subchapter B, Chapter 455, Occupations Code, is amended by adding Section 455.0571 to read as follows:

Sec. 455.0571. *CONTINUING EDUCATION.* (a) The commission by rule shall establish the minimum number of hours of continuing education required for a person licensed under this chapter to renew the person's license.

(b) The commission by rule shall provide for the recognition, preparation, or administration of continuing education programs for persons licensed under this chapter.

(c) The department may develop and establish processes to:

(1) evaluate and approve continuing education providers and programs; and

(2) assess a license holder's participation in continuing education programs.

SECTION 6.004. Subchapter B, Chapter 455, Occupations Code, is amended by adding Section 455.059 to read as follows:

Sec. 455.059. *INSPECTIONS; INVESTIGATIONS.* The department, the department's authorized representative, or a peace officer may enter the premises of a massage establishment or massage school at:

(1) reasonable times to conduct an inspection incidental to the issuance of a license; and

(2) other times that the department, the department's authorized representative, or a peace officer considers necessary to ensure compliance with this chapter and the rules adopted under this chapter.

SECTION 6.005. Subchapter C, Chapter 455, Occupations Code, as effective September 1, 2017, is amended to read as follows:

SUBCHAPTER C. MASSAGE THERAPY ADVISORY BOARD [POWERS AND DUTIES]

Sec. 455.101. *ADVISORY BOARD MEMBERSHIP.* (a) The advisory board consists of nine members appointed by the presiding officer of the commission with the approval of the commission as follows:

(1) two members who are licensed massage therapists;

(2) two members who represent licensed massage schools;

(3) two members who represent licensed massage establishments;

(4) one member who is a peace officer with expertise in the enforcement of Chapter 20A, Penal Code, and Subchapter A, Chapter 43, Penal Code; and

(5) two members of the public.

(b) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee [GENERAL POWERS AND DUTIES. (a) The executive director shall administer and enforce this chapter.

~~[(b) The department shall:~~

~~[(1) investigate a person who may be engaging in a practice that violates this chapter;~~

~~[(2) regulate the number and content of school hours provided by a massage school or a massage therapy instructor; and~~

~~[(3) prepare and administer a state examination under this chapter].~~

Sec. 455.102. *DUTIES OF ADVISORY BOARD.* The advisory board shall provide advice and recommendations to the department on technical matters relevant to the administration of this chapter.

Sec. 455.103. *TERMS; VACANCIES.* (a) *Members of the advisory board are appointed for staggered six-year terms. The terms of three members expire September 1 of each odd-numbered year.*

(b) *If a vacancy occurs on the advisory board during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term* ~~[MEMORANDUM OF UNDERSTANDING REGARDING MASSAGE SCHOOLS. (a) The commission may enter into a memorandum of understanding with the Texas Education Agency to regulate massage schools.~~

~~[(b) A memorandum must:~~

~~[(1) be adopted by the commission by rule; and~~

~~[(2) limit the total amount of the fees charged by the department and the Texas Education Agency for licensing a massage school to an amount equal to the amount of the fees the department would charge for licensing the massage school in the absence of the memorandum].~~

Sec. 455.104. *PRESIDING OFFICER.* (a) *The presiding officer of the commission shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a term of one year.*

(b) *The presiding officer of the advisory board may vote on any matter before the advisory board* ~~[INSPECTIONS, INVESTIGATIONS. (a) The department, its authorized representative, or a peace officer may enter the premises of an applicant for a license or a license holder at:~~

~~[(1) reasonable times to conduct an inspection incidental to the issuance of a license; and~~

~~[(2) other times that the department or peace officer considers necessary to ensure compliance with this chapter and the rules adopted under this chapter.~~

~~[(b) A peace officer appointed or employed by a law enforcement agency of a political subdivision of this state may enter the premises of a massage establishment to ensure compliance with this chapter and rules adopted under this chapter].~~

Sec. 455.105. *MEETINGS.* *The advisory board shall meet at the call of the executive director or the presiding officer of the commission* ~~[REGISTRY. (a) The department shall annually prepare a registry of licensed massage therapists.~~

~~[(b) The department shall make the registry available to the public, license holders, other state agencies, and peace officers].~~

SECTION 6.006. Section 455.152(a), Occupations Code, is amended to read as follows:

(a) A person is not eligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor if the person is an individual and has been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for an offense under Chapter 20A, Penal Code, or Subchapter A, Chapter 43, Penal Code, ~~[involving prostitution]~~ or another sexual offense.

SECTION 6.007. Section 455.1525, Occupations Code, is amended to read as follows:

Sec. 455.1525. *CRIMINAL BACKGROUND CHECKS.* ~~[(a)]~~ On receipt of an application for a license under this chapter, the department shall conduct a criminal background check on the applicant.

~~[(b) An applicant is not eligible for a license under this chapter if the applicant, in the five years preceding the date of the application, has been finally convicted of a misdemeanor involving moral turpitude or a felony.]~~

SECTION 6.008. Section 455.153, Occupations Code, as effective September 1, 2017, is amended to read as follows:

Sec. 455.153. *APPLICATION FOR LICENSE.* An applicant for a license under this chapter must:

(1) submit an application in the manner and on a form prescribed by the executive director; ~~[and]~~

(2) *pass any required examination; and*

(3) include with the application the application fee set by the commission by rule.

SECTION 6.009. Section 455.156(b), Occupations Code, is amended to read as follows:

(b) An applicant for a license under this section must be an individual and:

(1) present evidence satisfactory to the department that the person has satisfactorily completed massage therapy studies in a 500-hour minimum, supervised course of instruction provided by a massage therapy instructor at a massage school, a licensed massage school, a state-approved educational institution, or any combination of instructors or schools, in which at least:

(A) 200 hours are taught by a licensed massage therapy instructor and dedicated to the study of massage therapy techniques and theory and the practice of manipulation of soft tissue, with at least 125 hours dedicated to the study of Swedish massage therapy techniques;

(B) 50 hours are dedicated to the study of anatomy;

(C) 25 hours are dedicated to the study of physiology;

(D) 50 hours are dedicated to the study of kinesiology;

(E) 40 hours are dedicated to the study of pathology;

(F) 20 hours are dedicated to the study of hydrotherapy;

(G) 45 hours are dedicated to the study of massage therapy laws and rules, business practices, and professional ethics standards;

(H) 20 hours are dedicated to the study of health, hygiene, first aid, universal precautions, and cardiopulmonary resuscitation (CPR); and

(I) 50 hours are spent in an internship program;

(2) *pass the required examinations* [~~written-state examination~~]; and

(3) be at least 18 years of age.

SECTION 6.010. The following provisions of the Occupations Code are repealed:

(1) Section 455.1572; and

(2) Subchapter G, Chapter 455.

SECTION 6.011. As soon as practicable after the effective date of this Act, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint the members of the Massage Therapy Advisory Board created by Subchapter C, Chapter 455, Occupations Code, as amended by this Act.

SECTION 6.012. Section 455.152(a), Occupations Code, as amended by this Act, applies only to a person who files an initial application for or an application for renewal of a license as a massage establishment, massage school, massage therapist, or massage therapy instructor on or after the effective date of this Act.

ARTICLE 7. ORTHOTISTS AND PROSTHETISTS

SECTION 7.001. Section 605.056, Occupations Code, is amended to read as follows:

Sec. 605.056. **PRESIDING OFFICER.** *The presiding officer of the commission, with the commission's approval, shall designate a member* [~~members~~] *of the advisory board to serve as the* [~~shall elect from the advisory board's membership a~~] *presiding officer of the advisory board* [~~to serve~~] *for a term of one year. The presiding officer of the advisory board may vote on any matter before the advisory board.*

SECTION 7.002. Section 605.252(a), Occupations Code, is amended to read as follows:

(a) To be eligible for a license to practice orthotics or prosthetics in this state, a person must:

(1) submit an application in the manner and on the form prescribed by the executive director;

(2) pay the nonrefundable application fee;

(3) ~~be a resident of this state;~~

~~[(4)]~~ have completed formal training, including the required hours of classroom education and clinical practice, in an area of study the commission by rule determines to be necessary and appropriate;

(4) ~~[(5)]~~ have completed a clinical residency in the professional area for which a license is sought that complies with the standards, guidelines, or procedures established by the department for a clinical residency that is offered in this state or another state; and

(5) ~~[(6)]~~ have passed each written and practical examination approved and required by the department.

SECTION 7.003. Section 605.254(a), Occupations Code, is amended to read as follows:

(a) A person is entitled to an exemption from the license requirements established under Section 605.252 if the person ~~[is a resident of this state who]~~ presents evidence satisfactory to the department that the person possesses unique qualifications to practice orthotics, prosthetics, or orthotics and prosthetics.

SECTION 7.004. Section 605.257(a), Occupations Code, is amended to read as follows:

(a) The department may issue a temporary license to an individual who:

(1) ~~[has recently become a resident of this state;~~

~~[(2)]~~ has applied for a license as an orthotist, prosthetist, or both; ~~[and]~~

(2) ~~[(3)]~~ has regularly ~~[(A)]~~

~~practiced orthotics, prosthetics, or both for the five years preceding the date of the application [regularly since January 1, 1996]; and [or]~~

(3) ~~has [(B)]~~ been licensed by a ~~[the]~~ state ~~[in which the person formerly resided if]~~ that ~~[state]~~ has license requirements that are equal to or exceed the requirements of this chapter.

SECTION 7.005. The heading to Subchapter H, Chapter 605, Occupations Code, is amended to read as follows:

SUBCHAPTER H. PROHIBITED PRACTICES~~[- DISCIPLINARY PROCEDURES, AND PENALTIES]~~

SECTION 7.006. The following provisions of the Occupations Code are repealed:

(1) Section 605.252(d);

(2) Section 605.261(c);

(3) Section 605.353;

(4) Section 605.354;

(5) Section 605.356; and

(6) Subchapter I, Chapter 605.

SECTION 7.007. The presiding officer of the Orthotists and Prosthetists Advisory Board who is serving on the effective date of this Act shall continue to serve as the presiding officer until the presiding officer of the Texas Commission of Licensing and Regulation, with the commission's approval, designates a member of the advisory board to serve as the presiding officer of the advisory board as required by Section 605.056, Occupations Code, as amended by this Act.

SECTION 7.008. Sections 605.252, 605.254, and 605.257, Occupations Code, as amended by this Act, apply only to an application submitted on or after the effective date of this Act. An application submitted under Section 605.252, 605.254, or 605.257, Occupations Code, before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

ARTICLE 8. DIETITIANS

SECTION 8.001. The following provisions of the Occupations Code are repealed:

- (1) Section 701.154;
- (2) Section 701.255;
- (3) Section 701.257;
- (4) Section 701.259;
- (5) Section 701.260;
- (6) Subchapter J, Chapter 701; and
- (7) Section 701.502.

SECTION 8.002. (a) A provisional or temporary license issued under former Section 701.259 or 701.260, Occupations Code, that is in effect on the effective date of this Act continues to be valid until the license expires, and former Sections 701.259 and 701.260, Occupations Code, are continued in effect for that purpose. Chapter 701, Occupations Code, as amended by this Act, continues to apply to a holder of an unexpired provisional or temporary license.

(b) On or after the effective date of this Act, the Texas Department of Licensing and Regulation may not renew or extend a provisional or temporary license issued under former Section 701.259 or 701.260, Occupations Code.

(c) A proceeding under Chapter 701, Occupations Code, that is pending against a holder of a provisional or temporary license on the date the license expires is terminated on that date.

ARTICLE 9. CODE ENFORCEMENT OFFICERS

SECTION 9.001. The following provisions of the Occupations Code are repealed:

- (1) Section 1952.053, as effective September 1, 2017;
- (2) Subchapter E, Chapter 1952; and
- (3) Subchapter F, Chapter 1952, as effective September 1, 2017.

ARTICLE 10. SANITARIANS

SECTION 10.001. The following provisions of the Occupations Code are repealed:

- (1) Section 1953.053;
- (2) Subchapter F, Chapter 1953; and
- (3) Subchapter G, Chapter 1953, as effective September 1, 2017.

ARTICLE 11. MOLD ASSESSORS AND REMEDIATORS

SECTION 11.001. Subchapter B, Chapter 1958, Occupations Code, is amended by adding Section 1958.0531 to read as follows:

Sec. 1958.0531. RULES. The commission shall adopt rules as necessary to administer this chapter.

SECTION 11.002. Section 1958.105, Occupations Code, is amended to read as follows:

Sec. 1958.105. EXAMINATION. ~~[(a)]~~ The department may require that an applicant for a license pass a competency examination to qualify for the license.

~~[(b) If the department requires an examination, the applicant must pass the examination with a score of 70 percent or more.]~~

SECTION 11.003. Section 1958.153, Occupations Code, as effective September 1, 2017, is amended to read as follows:

Sec. 1958.153. NOTICE OF PROJECT. (a) Except as provided by Subsection (b), not later than the fifth day before the date on which a license holder starts mold remediation at a property, the license holder shall notify the department *in a manner prescribed by the department* ~~[in writing]~~ about the project.

(b) In an emergency, notice to the department under Subsection (a) ~~[may be made verbally but]~~ must be made not later than the next business day after the license holder identifies the emergency. For purposes of this subsection, an emergency exists if a delay in mold remediation services in response to a water damage occurrence would increase mold contamination.

(c) The commission shall adopt rules to implement this section, including rules[:

~~[(1)] describing the information that must be provided in the notice[; and~~

~~[(2) authorizing verbal notification to the department in an emergency].~~

(d) *The department shall develop a mechanism by which a license holder may notify the department of an emergency as required by Subsection (b).*

SECTION 11.004. Section 1958.156(d), Occupations Code, is amended to read as follows:

(d) Not later than *the 10th day* ~~[one week]~~ after *the date of completion of a mold remediation*, the mold remediator license holder shall provide the property owner with copies of all photographs required by this section.

SECTION 11.005. Subchapter D, Chapter 1958, Occupations Code, is amended by adding Section 1958.158 to read as follows:

Sec. 1958.158. SERVICE OF PROCESS ON LICENSE HOLDER. The department may serve any notice that law requires the department to serve on a license holder by:

(1) personal service on the license holder;

(2) certified mail, return receipt requested, to the license holder at the last known address the license holder provided to the department; or

(3) certified electronic mail to the license holder at the last known electronic mail address the license holder provided to the department.

SECTION 11.006. The following provisions of the Occupations Code are repealed:

(1) Section 1958.055;

(2) Subchapter E, Chapter 1958, as effective September 1, 2017;

(3) Subchapter F, Chapter 1958, as effective September 1, 2017; and

(4) Section 1958.301.

SECTION 11.007. Section 1958.153, Occupations Code, as amended by this Act, applies only to notice of a mold remediation project that is provided on or after the effective date of this Act. Notice of a mold remediation project that is provided before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

ARTICLE 12. TRANSITION PROVISIONS FOR CERTAIN PROCEEDINGS; EFFECTIVE DATE

SECTION 12.001. (a) Except as provided by this Act, the changes in law made by this Act do not apply to an administrative proceeding pending on the effective date of this Act. An administrative proceeding pending on the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Except as provided by this Act, a civil or criminal proceeding based on a provision repealed by this Act that is pending on the effective date of this Act is terminated on that date.

SECTION 12.002. This Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 143, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 4007 on May 24, 2017: Yeas 141, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 23, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective September 1, 2017.

**ELIGIBILITY AND CONTRIBUTIONS FOR COVERAGE
UNDER THE STATE EMPLOYEE GROUP BENEFITS
PROGRAM AND HEALTH BENEFIT PLANS OFFERED BY
CERTAIN UNIVERSITY SYSTEMS**

CHAPTER 1106

H.B. No. 4035

AN ACT

relating to eligibility and contributions for coverage under the state employee group benefits program and health benefit plans offered by certain university systems.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 824, Government Code, is amended by adding Section 824.0071 to read as follows:

Sec. 824.0071. **DEDUCTIONS FROM SERVICE OR DISABILITY RETIREMENT ANNUITY FOR CERTAIN UNIVERSITY INSURANCE PROGRAM CONTRIBUTIONS.**

(a) In this section, "program administrator" means the person who administers the uniform program under Section 1601.051, Insurance Code.

(b) A retiree who is participating in the uniform program under Chapter 1601, Insurance Code, may authorize the retirement system to deduct the amount of the contribution and any other qualified health insurance premium from the retiree's regular monthly service or disability retirement annuity payment if the amount of the monthly annuity is greater than or equal to the amount of the authorized deduction.

(c) A retiree may authorize the deduction described by Subsection (b) on a form provided by the program administrator. The program administrator shall maintain the record of the authorization made under this section.

(d) The program administrator shall:

(1) notify the retirement system of the authorization under Subsection (b); and

(2) in the manner and form prescribed by the retirement system, provide the retirement system with the names of the retirees and other relevant information needed by the retirement system to administer the deduction.

(e) After making the deduction, the retirement system shall pay to the program administrator an aggregate amount for all retirees who authorize annuity deductions under Subsection (b).

(f) If a retiree no longer receives a monthly annuity greater than or equal to the amount of the authorized deduction, the retirement system:

(1) shall inform the program administrator; and

(2) is not required to make a deduction under this section for the retiree.

(g) The retirement system shall make the authorized deduction each month until:

(1) the date the annuity is no longer payable by the retirement system;

(2) the retirement system is notified by the program administrator that the retiree has canceled the authorization to make the deduction; or

(3) the amount of the monthly annuity is no longer greater than or equal to the amount of the authorized deduction as described by Subsection (f).

(h) The program administrator shall reimburse the retirement system the cost, as determined by the retirement system, incurred by the retirement system in implementing this section.